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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

RYAN EYGES TRUST DTD 12/26/96; MARILYN  
CHERNIS, in her capacity as Trustee of both the Ryan  
Eyges Trust dtd 12/26/96 and the Evelyn Chernis  
Irrevocable Trust Agreement for Ryan Eyges Trust,  
EVELYN CHERNIS IRREVOCABLE TRUST  
AGREEMENT FOR RYAN EYGES TRUST;  
RICHARD EYGES, in his capacity as Trustee for the

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04773 (SMB)

Evelyn Chernis Irrevocable Trust Agreement for Ryan Eyges Trust; DAVID M. DUCHESNEAU, in his capacity as Trustee for the Evelyn Chernis Irrevocable Trust Agreement for Ryan Eyges Trust; and Ryan Eyges,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and Defendants Ryan Eyges Trust Dtd 12/26/96, Marilyn Chernis, in her capacity as Trustee of both the Ryan Eyges Trust dtd 12/26/96 and the Evelyn Chernis Irrevocable Trust Agreement for Ryan Eyges Trust; Evelyn Chernis Irrevocable Trust Agreement for Ryan Eyges Trust; Richard Eyges, in his capacity as Trustee for the Evelyn Chernis Irrevocable Trust Agreement for Ryan Eyges Trust; David M. Duchesneau, in his capacity as Trustee for the Evelyn Chernis Irrevocable Trust Agreement for Ryan Eyges Trust; and Ryan Eyges (“Defendants”) by and through their counsel, Martin B. Shulkin of Duane Morris LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against Defendants.
2. On April 17, 2104, 2014, Defendants served an answer on the Trustee.
3. On September 9, 2015, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendants in the above-captioned adversary

proceeding and dismissing the adversary proceeding.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

New York, New York  
November 3, 2015

By: /s/ Nicholas J. Cremona  
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Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*

By: /s/ Martin B. Shulkin  
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*Attorney for Defendants*

SO ORDERED

Dated: November 5<sup>th</sup>, 2015  
New York, New York

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE